

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

Plaintiff,

v.

HOOPS ENTERPRISE LLC; and ANTHONY
KORNTRUMP,

Defendants.

No. C 10-2769 CW

ORDER ON MOTIONS
IN LIMINE AND
MOTION TO QUASH
(Docket Nos. 180,
181 and 188)

AND ALL RELATED CLAIMS

The Court GRANTS IN PART Plaintiff's motion to quash and
QUASHES Defendants' trial subpoenas issued to Hewlett-Packard Co.,
Dell, Inc. and Fujitsu Computer Products of America. The Court
TAKES UNDER SUBMISSION Plaintiff's request for an award of
attorneys' fees it incurred in connection with filing the motion
to quash and the motion in limine related to the first sale
defense.

The Court issues the following rulings on the parties'
motions in limine:

PLAINTIFF'S MOTIONS IN LIMINE

2. Motion to exclude all references to the first sale defense
and Defendants' dismissed counterclaims based on the defense.

GRANTED IN PART, DENIED IN PART. Reference to the first sale
defense will be allowed for the limited purpose of establishing
the willfulness or innocence of Defendants' infringement, and will

1 be limited to what Defendants knew at the time of their
2 infringement.

3 3. Motion to exclude all evidence and witnesses not previously
4 disclosed.

5 GRANTED IN PART, DENIED IN PART. Defendants may not call as
6 witnesses Annie Wang, Michael Miretsky and Kerry Thompson. The
7 portions of the settlement agreement reached by the parties to
8 resolve prior litigation that are relevant to establishing the
9 willfulness or innocence of Defendants' infringement will be
10 admitted. The parties shall attempt to reach an agreement on
11 appropriate redactions to the settlement agreement, and, if they
12 are unable to do so, shall file their separate proposed
13 redactions.

14 4. Motion to exclude all evidence of enforcement efforts of the
15 Software and Information Industry Association unrelated to Adobe
16 products.

17 GRANTED.

18 5. Motion to exclude all references to acts by third parties.

19 GRANTED.

20 6. Motion to exclude party attorneys as witnesses.

21 GRANTED.

22 DEFENDANTS' MOTIONS IN LIMINE

23 1. Motion to preclude the introduction of evidence of
24 Defendants' sales prior to June 19, 2009.

25 GRANTED IN PART, DENIED IN PART. Evidence of Defendants'
26 sales prior to June 19, 2009 will be allowed for the limited
27 purpose of establishing the willfulness or innocence of
28 Defendants' infringement.

1 2. Motion to preclude the introduction of evidence of
2 Defendants' profits derived from the sale of Plaintiffs' software
3 products prior to June 19, 2009.

4 GRANTED IN PART, DENIED IN PART. Evidence of Defendants'
5 sales prior to June 19, 2009 will be allowed for the limited
6 purpose of establishing the willfulness or innocence of
7 Defendants' infringement.

8 3. Motion to preclude Plaintiff from attempting to pierce the
9 corporate veil of Hoops Enterprise, LLC.

10 DENIED.

11 IT IS SO ORDERED.

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13 Dated: 6/7/2012

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15 CLAUDIA WILKEN
16 United States District Judge
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